

**BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS**

MISSOURI BOARD OF REGISTRATION)
FOR THE HEALING ARTS,)

Petitioner,)

v.)

Case No. 2008-005149

JOSEPH RICHMOND, M.D.,)

Respondent.)

AMENDED ORDER

The State Board of Registration for the Healing Arts (hereinafter the “Board”) met via conference call on March 10, 2012 to discuss this matter and hereby issues the following AMENDED ORDER:

1. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to §334.120¹, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. On or about July 5, 2011, Respondent entered into a Settlement Agreement with the Board.
3. Paragraph 21 of the Settlement Agreement required Respondent to participate in the Missouri Physicians Health Program (MPHP) or the Missouri Association of Osteopathic Physicians and Surgeons Program (MAOPS) throughout the disciplinary period.

¹ All statutory references are to the Revised Statutes of Missouri (2011) unless otherwise noted.

4. Paragraph 24 of the Settlement Agreement requires that Respondent follow all recommendations of MPHP or MAOPS throughout the disciplinary period.

5. Paragraph 31 of the Settlement Agreement requires Respondent to attend regular therapy session with a Board approved therapist at a frequency and duration deemed appropriate by the therapist in consultation with MPHP or MAOPS.

6. On or about February 15, 2012, the Minnesota Health Professional Services Program (HPSP) contacted the Board. They requested that they be allowed to be the primary monitoring organization for Respondent, since he was living and practicing in Minnesota. PHS is the equivalent of the MPHP.

7. The Missouri Physician's Health Program has endorsed this change.

DECISION AND DISCIPLINARY ORDER

Pursuant to the request of the Respondent, IT IS HEREBY ORDERED that upon the effective date of this Amended Order, the Board grants approval of the change in monitors to the Minnesota Professional Health Services Program therefore the following paragraphs of the Settlement Agreement are amended as follows:

Paragraph 21: Within thirty (30) days of the effective date of this Order, and continuing through the duration of the disciplinary period, the Licensee shall participate in the Minnesota Health Professional Services Program (HPSP) at the Licensee's own cost. The Licensee shall follow all recommendations for treatment or aftercare made by HPSP and shall comply with each and every requirement to


remain in the program. Within fifteen (15) days of entering the HPSP, the Licensee shall cause the program to send written notification to the Board confirming that the Licensee has joined the program. Within fifteen (15) days of entering the HPSP, the Licensee shall sign a release to allow the Board to release information to and receive information from the HPSP. This information shall include: lab results; diagnosis and treatment recommendations; discharge/transfer summary; cooperation and progress; identifying information; change in status; quarterly progress reports; psychological reports; individual treatment plan; psychiatric evaluations; family assessments; and any and all records regarding evaluation, care and treatment for alcohol or drug abuse, psychiatric conditions, physical illnesses, and emotional illnesses. This release shall be in effect for the duration of the disciplinary period. The licensee will follow all recommendations of treatment and aftercare recommended. Any modifications or changes to those recommendations must be made in writing and approved by the facility with consent of the Board.

Paragraph 24: Licensee shall follow all recommendations of treatment and aftercare recommended by HPSP and any other approved treatment provider, including but not limited to Pine Grove Professional Enhancement Program. Any modifications or changes to those recommendations must be made in writing and approved by the provider. The Licensee shall cause the facility or provider to communicate the change to the Board in writing within ten (10) days of the change.

Paragraph 31: During the disciplinary period, the Licensee shall attend regular individual therapy sessions with Todd Schemmel, Ph.D. or other Board approved therapist at a frequency and duration deemed appropriate by the therapist in consultation with the HPSP.

All other requirements of the Settlement Agreement of July 5, 2011 remain in effect.

SO ORDERED EFFECTIVE THIS 1ST DAY OF MAY, 2012


Tina Steinman, Executive Director
State Board of Registration for the Healing Arts

AMENDED SETTLEMENT AGREEMENT BETWEEN
THE MISSOURI STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS
AND JOSEPH S. RICHMOND, M.D.

Comes now Joseph S. Richmond, M.D. (hereinafter "Licensee"), and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this agreement for the purpose of resolving the question of whether Joseph S. Richmond's license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and

voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.

2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.

3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 324, 334, 610, and 621, RSMo, as amended and will report this agreement to the National Practitioner's Data Bank (NPDB), the Health Integrity and Protection Data Bank (HIPDB), and the Federation of State Medical Boards (FSMB).

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to §334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

7. The Licensee is licensed by the Board as a physician and surgeon, License Number 36681, which was first issued on February 19, 1985. Licensee's license is current, and was current and active at all times relevant herein.

8. Effective June 22, 2009, Licensee entered into a settlement agreement (“June 2009 Agreement”) with the Board whereby his license was suspended for a period of three (3) years.

9. The legal basis for the aforementioned suspension is §334.100.2(8), RSMo, because the Licensee’s license to practice medicine in Minnesota was suspended.

10. According to the terms of the June 2009 Agreement, “[t]he Board may terminate the suspension prior to the three years if the Licensee obtains a fit-to-practice letter from a board approved healthcare provider.”

11. The Board received a report, dated September 10, 2009, from Professional Renewal Center (PRC) that states the Licensee is fit to return to practice so long as he follows certain recommendations.

12. Because the aforementioned report from PRC requires the Licensee to follow certain recommendations in order to practice safely, it is not an actual fit-to-practice letter.

13. On June 2, 2010, the Board and Licensee entered into a settlement agreement ("June 2010 Agreement") terminating the suspension and placing Licensee's license on probation for a period of ten (10) years.
14. One of the conditions of the June 2010 Agreement was that Licensee shall comply with all recommendations of the PRC, which included follow up with that facility.
15. On May 3, 2011, Licensee informed the Board that he is unable to participate in the required follow up with PRC. However, Licensee stated that he has completed an evaluation at Pine Grove and requested that his June 2010 Agreement be modified to accept the Pine Grove evaluation and recommendations in place of the PRC evaluation and recommendations.

II. JOINT CONCLUSIONS OF LAW

16. Cause exists to discipline Licensee's license pursuant to 334.100.2(8) RSMo which state:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license

to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

17. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of §334.100.2 RSMo.

18. Cause exists for the Board to take disciplinary action against the Licensee's license under §334.100.2 RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of §621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

19. License number 36681 issued by the Board to the Licensee, is hereby continued on PROBATION until June 1, 2020 (hereinafter the "disciplinary period").

20. During the disciplinary period, the Licensee shall be entitled to engage in the practice of medicine under Chapter 334 RSMo, provided he adheres to all of the terms of this Order.

21. Within thirty (30) days of the effective date of this Order, and continuing through the duration of the disciplinary period, the Licensee shall participate in the

Missouri State Medical Association's Physician Health Program (MPHP) or the Missouri Association of Osteopathic Physicians and Surgeons Program (MAOPS) at the Licensee's own cost. If Licensee is practicing in another state, he shall participate in that State's physician health program in addition to one of the Missouri programs. The Licensee shall follow all recommendations for treatment or aftercare made by MPHP or MAOPS and any other physician's health program he is participating in, and shall comply with each and every requirement to remain in the program. Within fifteen (15) days of entering the MPHP or MAOPS or any other physician's health program the Licensee shall cause the program to send written notification to the Board confirming that the Licensee has joined the program. Within fifteen (15) days of entering any physician's health program, the Licensee shall sign a release to allow the Board to release information to and receive information from the physician's health program. This information shall include: lab results; diagnosis and treatment recommendations; discharge/transfer summary; cooperation and progress; identifying information; change in status; quarterly progress reports; psychological reports; individual treatment plan; psychiatric evaluations; family assessments; and any and all records regarding evaluation, care and treatment for alcohol or drug abuse, psychiatric conditions, physical illnesses, and emotional illnesses. This release shall be in effect for the duration of the disciplinary period. The licensee will follow all recommendations of treatment and aftercare recommended. Any modifications or changes to those

recommendations must be made in writing and approved by the facility with consent of the Board.

22. Licensee has provided the Board with a copy of an evaluation from Pine Grove Professional Enhancement Program

23. Licensee shall follow all recommendations of the Pine Grove Professional Enhancement Program, beginning no later than thirty days (30) days from the date of this Agreement.

24. Licensee shall follow all recommendations of treatment and aftercare recommended by MPHP or MAOPS, any other physician's health program, and any other approved treatment provider, included but not limited to Pine Grove Professional Enhancement Program. Any modifications or changes to those recommendations must be made in writing and approved by the provider. The Licensee shall cause the facility or provider to communicate the change to the Board in writing within ten (10) days of the change.

25. During the disciplinary period, the Licensee shall abstain completely from the personal use or possession of controlled substances and dangerous drugs as defined by state and federal law or any drugs requiring a prescription unless the use of that drug has been prescribed by a person licensed to prescribe such drug and with whom the Licensee has a bona fide physician/patient relationship. The Licensee shall forward to the Board written documentation of any such prescription within ten (10) days of the date of issuance of the prescription as well as a letter from the Licensee to the person licensed to prescribe the drug which

notifies said person of Licensee's addiction history and Missouri licensure status as a physician and surgeon.

26. During the disciplinary period, the Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of this Order.

27. During the disciplinary period, the Licensee shall, at the Licensee's own cost, submit to biological fluid testing and hair testing as required by the Board. The Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any drug or a prescription drug not supported by a valid prescription or by a prescription documentation of which has not been forwarded to the Board as provided in this Order shall constitute a violation of the Licensee's discipline.

28. During the disciplinary period, Licensee shall cause a letter of evaluation from the chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1, and October 1 of each year. The letter shall include an evaluation of the Licensee's current status in the treatment, including the Licensee's compliance with all the recommendations for treatment, and the current prognosis.

29. Within ten (10) days of the effective date of this Order, the Licensee shall execute and deliver to the Board a written medical/psychological and substance

abuse treatment release(s) or other appropriate release(s) which shall cover the entire period of this Order authorizing the State Board of Registration for the Healing Arts to obtain records of the Licensee's treatment. Licensee shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

30. If the treatment of the Licensee is successfully completed during the disciplinary period, the Licensee shall cause the treating professional or director of the treatment program to submit a letter of evaluation to the Board stating that the Licensee has successfully completed treatment and the arrangements for appropriate follow-up or aftercare. The Licensee shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.

31. During the disciplinary period, the Licensee shall attend regular individual therapy sessions with Todd Schemmel, Ph.D. or other Board approved therapist at a frequency and duration deemed appropriate by the therapist in consultation with the MPHP or MAOPS.

32. During the disciplinary period, the Licensee shall inform his treating physicians of his addiction history.

33. During the disciplinary period, the Licensee shall participate in regular treatment and preventative health measures with a primary care physician.

Licensee shall abstain from using any medication other than in the manner, at the dosage and in the amounts that the prescribing physician directed.

34. During the disciplinary period, Licensee shall not prescribe any medication or controlled substance to himself. Licensee shall not use medication samples, except those given to him by his treating physician.

35. If the Licensee is licensed in other jurisdictions, then he shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this settlement agreement, of the Licensee's disciplinary status in Missouri. The Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. If the Licensee is not licensed in other jurisdictions, he shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this settlement agreement.

36. Within ten (10) days of the effective date of this Order, the Licensee shall execute and deliver to the Board a written medical/psychological and substance abuse treatment release(s) or other appropriate release(s) which shall cover the entire period of this Order authorizing the State Board of Registration for the Healing Arts to obtain records of the Licensee's treatment. Licensee shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

37. During the disciplinary period, the Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

38. During the disciplinary period, the Licensee shall keep the Board informed of his current work and home telephone numbers and addresses. The Licensee shall notify the Board in writing within ten (10) days of any change in this information.

39. During the disciplinary period, the Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain the Licensee's license in a current and active state.

40. During the disciplinary period, the Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary agreement.

41. During the disciplinary period, the Licensee shall appear in person for interviews with the Board or its designee upon request.

42. The Licensee shall notify, within fifteen (15) days of the effective date of this agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where the Licensee practices or has privileges, of his disciplinary status. Licensee shall notify any hospital, nursing home, out-patient center, surgical center, clinic other facility he obtains privileges at or begins

practicing at during the course of this agreement of his disciplinary status within fifteen (15) days of the granting of privileges or beginning of practice. The Licensee shall notify any physician assistants or other allied health care professionals he supervises during the disciplinary period of the disciplinary action imposed. Notification shall be in writing and the Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If the Licensee does not have privileges or practices at any facility, he shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this settlement agreement.

43. For purposes of this agreement, unless otherwise specified in this agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Order shall be forwarded to The State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

44. Upon the expiration of the disciplinary period, the Licensee's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may, in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate.

45. In the event the State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation. The Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to §324.042, RSMo.

46. No additional order shall be entered by this Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. The Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this agreement has occurred.

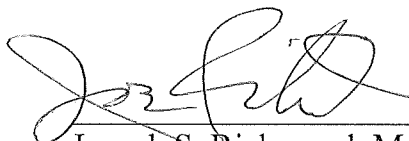
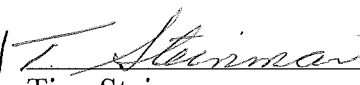
47. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by the Licensee not specifically mentioned in this document that are currently either known or unknown to the Board.

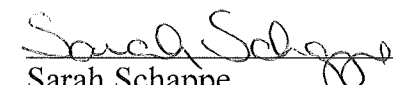
48. Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees,

agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

LICENSEE

BOARD

	<u>07/01/2011</u>		<u>7/5/11</u>
Joseph S. Richmond, M.D.	Date	Tina Steinman	Date
		Executive Director	

	<u>7/5/11</u>
Attorney for Licensee	Date
Missouri Bar No. _____	Sarah Schappe
	General Counsel, MO Bar No. 52011

EFFECTIVE THIS 5 DAY OF July, 2011.

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND JOSEPH S. RICHMOND, M.D.**

Come now Joseph S. Richmond, M.D., (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this agreement for the purpose of resolving the question of whether Dr. Richmond's license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.

2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative

Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.

3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

7. The Licensee is licensed by the Board as a physician and surgeon, License Number 36681. This license was first issued on February 19, 1985. Licensee's license is current, and was current and active at all times relevant herein.

8. Effective June 22, 2009, the Licensee entered into a settlement agreement with the Board whereby his license was suspended for a period of three (3) years.

9. The legal basis for the aforementioned suspension is §334.100.2(8), RSMo because the Licensee's license to practice medicine in Minnesota was suspended.

10. According to the terms of the prior settlement agreement, "[t]he Board may terminate the suspension prior to the three years if the Licensee obtains a fit-to-practice letter from a board approved healthcare provider."

11. The Board received a report, dated September 10, 2009, from Professional Renewal center (PRC) that state the Licensee is fit to return to practice so long as he follows certain recommendations.

12. Because the aforementioned report from PRC requires the Licensee to follow certain recommendations in order to practice safely, it is not an actual fit-to-practice letter.

13. However, The Board and Licensee agree that the prior suspension is terminated upon the effective date of this agreement so long as Licensee adheres to the terms of this agreement.

II. JOINT CONCLUSIONS OF LAW

14. Cause exists to discipline Licensee's license pursuant to Section 334.100.2(8), RSMo, which states:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of

registration or authority, permit or license for any one or any combination of the following causes:

....

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

....

15. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of § 334.100.2, RSMo.

16. Cause exists for the Board to take disciplinary action against the Licensee's license under § 334.100.2, RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

17. License number 36681, issued by the Board to the Licensee, is hereby placed on PROBATION for a period of ten (10) years.

18. During the disciplinary period, Licensee shall comply with all recommendations made by PRC in its report of September 10, 2009.

19. During the disciplinary period, the Licensee shall be entitled to engage in the practice of medicine under Chapter 334 RSMo, provided he adheres to all of the terms of this agreement.

20. Within thirty (30) days of the effective date of this agreement, and continuing through the duration of the disciplinary period, Licensee shall participate in the Missouri State Medical Association's Physician Health Program (MPHP) at the Licensee's own cost. The Licensee shall comply with all recommendations for treatment or aftercare made by MPHP, and shall comply with each and every requirement to remain in the program. Within fifteen (15) days of entering the MPHP program, the Licensee shall cause MPHP to send written notifications to the Board confirming that the Licensee has joined the program. This settlement agreement shall serve as a signed release to allow the Board to release information to and receive information from MPHP. This information shall include: lab results; diagnosis and treatment recommendations; discharge/transfer summary; cooperation and progress; identifying information; change in status; quarterly progress reports; psychological reports; individual treatment plan; psychiatric evaluations; family assessments; and any and all records regarding evaluation, care and treatment for alcohol or drug abuse, psychiatric conditions, physical illness, and emotional illness.

21. If the Licensee is licensed in other jurisdictions, then he shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this settlement agreement, of the Licensee's disciplinary status in Missouri. The Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.

22. During the disciplinary period, the Licensee shall attend regular individual therapy sessions with Kathleen Keenan, Ph.D. Initially, he shall meet with the therapist weekly, and then at a frequency and duration deemed appropriate by the therapists in consultation with MPHP. As part of that process, Licensee shall continue to address the underlying developmental and emotional issues and personality characteristic that have contributed to his personal and professional difficulties.

23. During the disciplinary period, the Licensee shall inform his treating physicians of his addiction history.

24. During the disciplinary period, the Licensee shall, participate in a group therapy process. This may be fulfilled by attending a regularly scheduled Caduceus meeting in his area on Monday evenings at 7:00 p.m. In addition, MPHP may know of other resources in the Licensee's area.

25. During the disciplinary period, the Licensee shall attend a recovery support group at least three (3) times a week.

26. During the disciplinary period, the Licensee shall participate in regular treatment and preventative health measures with a primary care physician. Licensee shall

abstain from using any medication other than in the manner, at the dosage, and in the amounts that the prescribing physician directed.

27. During the disciplinary period, the Licensee shall not self-prescribe or get medications from a colleague or use any samples.

28. During the disciplinary period, the Licensee shall continue EMDR with Mr. Larry Neiters, beginning December 5, 2009, at 1:00 p.m.

29. During the disciplinary period. The Licensee shall continue his regularly scheduled appointments with his treaters and regular contact with MPHP. Licensee shall discuss possible work situations with his treaters and MPHP prior to making any commitments to the work situation.

30. During the disciplinary period, the Licensee shall adhere to all guidelines as set forth by the AMA Code of Ethics, giving particular attention to the Principles of Medical Ethics, the Charter on Medical Professionalism, and all professional societies with which he is affiliated. Licensee shall also conduct himself with the highest level of professionalism.

31. Licensee shall return to PRC by July 15, 2010, for a minimum of one week, to consolidate the gains he has made, explore additional questions that may have arisen since completion of primary treatment, and to update the aftercare recommendations. If aftercare recommendations are updated, then during the disciplinary period, Licensee shall adhere to the newly updated aftercare recommendations.

32. Within fifteen (15) days of the effective date of this agreement, the Licensee shall sign releases of information to participate in a program so that his treating

clinicians can coordinate his care. This includes his therapist, MPHP, primary care physician, and PRC.

33. During the disciplinary period, the Licensee shall abstain completely from the personal use or possession of controlled substance and dangerous drugs as defined by state and federal law or any drugs requiring a prescription unless the use of that drug has been prescribed by a person licensed to prescribe such drug and with whom the Licensee has a bona fide physician/patient relationship. The Licensee shall forward to the Board written documentation of any such prescription as well as a letter from the Licensee's addiction history and Missouri licensure status as a physician and surgeon.

34. During the disciplinary period, the Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee's discipline

35. During the disciplinary period, the Licensee shall, at the Licensee's own cost, submit to biological fluid testing and hair testing as required by the Board. The Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witness biological fluid samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any drug or a prescription drug not supported by a valid prescription or by a prescription documentation of which has not been forwarded to the Board as provided in this agreement shall constitute a violation of the Licensee's discipline.

36. During the disciplinary period, Licensee shall cause a letter of evaluation from the chemical dependency professionals, from the rehabilitation and aftercare

programs to be submitted to the Board no later than January 1, April 1, July 1, and October 1 of each year. The letter shall include an evaluation of the Licensee's current status in the treatment, including the Licensee's compliance with all the recommendations for treatment, and the current prognosis.

37. Within ten (10) days of the effective date of this agreement, the Licensee shall execute and deliver to the Board a written medical release(s) or other appropriate release(s) which shall cover the entire period of this agreement authorizing the State Board of Registration for the Healing Arts to obtain records of the Licensee's treatment for chemical dependency. Licensee shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

38. If the treatment of the Licensee is successfully completed during the disciplinary period, the Licensee shall cause the treating chemical dependency professional or director of the chemical dependency treatment program to submit a letter of evaluation to the Board stating that the Licensee has successfully completed treatment and the arrangements for appropriate follow-up or aftercare and shall document compliance with all such recommendations.

39. During the disciplinary period, the Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

40. During the disciplinary period, the Licensee shall not commit any acts that will constitute a cause for discipline pursuant to §334.100.2, RSMo.

41. During the disciplinary period, the Licensee shall keep the Board informed of his current work and home telephone numbers and addresses. The Licensee shall notify the Board in writing within ten (10) days of any change in this information.

42. During the disciplinary period, the Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain the Licensee's license in a current and active state.

43. During the disciplinary period, the Licensee shall appear accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary agreement.

44. During the disciplinary period, the Licensee shall appear in person for interviews with the Board or its designee upon request.

45. the Licensee shall notify, within fifteen (15) days of the effective date of this settlement agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where the Licensee practices or has privileges, of his disciplinary status. The Licensee shall notify any physician assistants or other allied health care professionals he supervises of the disciplinary action imposed. Notification shall be in writing and the Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

46. For purposes of this agreement, unless otherwise specified in this agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this agreement shall be forwarded to The State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

47. In the event the State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation. The Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to §324.042, RSMo.

48. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by the Licensee not specifically mentioned in this document.

49. Upon the expiration of the disciplinary period, the Licensee's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may, in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate.

50. No additional order shall be entered by this Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before this

Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. The Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this agreement has occurred.

51. The Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

52. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

Joseph S. Richmond, M.D. 05/21/2010
Date

BOARD

Tina Steinman 6/1/10
Tina Steinman
Executive Director Date

Attorney for Licensee Date
Missouri Bar No. _____

Glenn E. Bradford 6/1/10
Glenn E. Bradford
General Counsel for the Board
MO Bar No. 27396


EFFECTIVE THIS 1 DAY OF June, 2010.

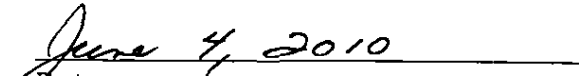
BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS

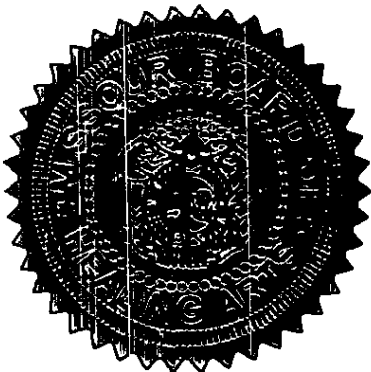
State Board of Registration)	
For the Healing Arts,)	
Petitioner)	
)	Case Number: 2008-005149
v.)	
)	
Joseph S. Richmond, M.D.)	
Respondent)	

ORDER

It is hereby ordered that effective June 1, 2010, the suspension issued on June 22, 2009 upon Respondent's license to practice medicine and surgery, number 36681 is hereby terminated.


Tina Steinman
Executive Director


Date



**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND JOSEPH S. RICHMOND, M.D.**

Come now Joseph S. Richmond, M.D., (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this agreement for the purpose of resolving the question of whether Dr. Richmond's license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.

2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative

Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.

3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

7. The Licensee is licensed by the Board as a physician and surgeon, License Number 36681. This license was first issued on February 19, 1985. Licensee's license is current, and was current and active at all times relevant herein.

8. The Licensee was also licensed by the Minnesota Board of Medical Practice at all times relevant herein.

9. On or about June 11-12, 2008, the Licensee appeared for a job interview in Minnesota. Licensee was observed to be "strangely detached" and unaccountable for his time when not interviewing. Licensee was confronted about a possible relapse to chemical use and was asked to submit to an observed drug urine screen, to which he initially agreed. Licensee failed to provide a urine sample, claiming he was unable to void on demand. Licensee later returned from his care with a cold urine sample. Collection of the sample was not observed. The sample tested negative for cocaine.

10. On June 24, 2008, Licensee was referred by a third party to the Health Professionals Services Program (HPSP) for evaluation of a possible relapse to cocaine or other chemical usage. Licensee was reported to be dealing with major life stresses, including loss of a parent and financial concerns. Licensee reportedly had been displaying behaviors that were out of character, including failing to return phone calls for several days, borrowing money from others, forgetting previous conversations, and failing to appear for scheduled meetings. Licensee's behaviors are indicative of a relapse.

11. On July 3, 2008, HPSP notified the Minnesota Board that Licensee was discharged from the program because he failed to contact the program and program staff was unable to locate him.

12. On August 22, 2008, the Minnesota Board suspended Licensee's Minnesota license.

13. Suspension of the Licensee's Minnesota license for failure to adhere to the requirements of HPSP constitutes a cause for the Missouri Board to discipline his Missouri license pursuant to § 334.100.2(8), RSMo.

II. JOINT CONCLUSIONS OF LAW

14. Cause exists to discipline Licensee's license pursuant to Section 334.100.2(8), RSMo, which states:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

....

15. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of § 334.100.2, RSMo.

16. Cause exists for the Board to take disciplinary action against the Licensee's license under § 334.100.2, RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

17. License number 36681, issued by the Board to the Licensee, is hereby SUSPENDED for a period of three (3) years. The Board may terminate the suspension prior to three years if the Licensee obtains a fit-to-practice letter from a board approved healthcare provider. A fit-to-practice letter shall contain the following information: the length of time the Licensee has been under the care of the healthcare provider; the length of time that the Licensee has had stable mood symptoms, if any; and the length of time the Licensee has been compliant with the provider's recommendations and treatment plan, if applicable.

18. During the suspension, the Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain the Licensee's license in a current and active state.

19. If the Licensee is licensed in other jurisdictions, then he shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this settlement agreement, of the Licensee's disciplinary status in

Missouri. The Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.

20. For purposes of this agreement, unless otherwise specified in this agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this agreement shall be forwarded to The State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

21. In the event The State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation. The Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to § 620.153, RSMo.

22. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by the Licensee not specifically mentioned in this document.

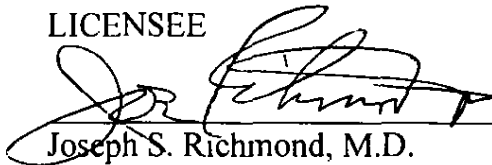
23. No additional order shall be entered by this Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a

violation occurred and, if so, may impose further disciplinary action. The Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this agreement has occurred.

24. The Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.


25. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.


LICENSEE

 6/17/2009
Joseph S. Richmond, M.D. Date

Attorney for Licensee Date
Missouri Bar No. _____

BOARD

 6/22/09
Tina Steinman Date
Executive Director

 6/22/09
Sreenu Dandamudi Date
General Counsel for the Board
MO Bar No. 50734

EFFECTIVE THIS 22 DAY OF June, 2009.

**BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS**

State Board of Registration
For the Healing Arts,
Petitioner

v.

Joseph S. Richmond, M.D.
Respondent

Case Number: 2001-004771

ORDER

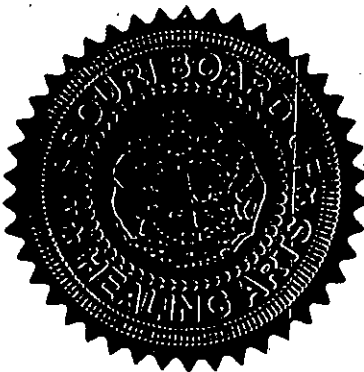
It is hereby ordered that effective March 1, 2005 the probation agreement issued on August 2, 2002 upon Respondent's license to practice medicine and surgery, number 36681 is hereby terminated and the said license is hereby returned to its full privileges free and clear of all restrictions.

Tina Steinman

Tina Steinman
Executive Director

March 4, 2005

Date



1. The State Board of Registration for the Healing Arts (“the Board”) is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. Joseph S. Richmond, M.D., (Respondent) is licensed by the Board as a physician and surgeon.
3. The Order of the state Board of Registration for the Healing Arts regarding Issuance of a Probated License to Joseph S. Richmond, M.D.(“Order”), effective August 2, 2002, included a provision (paragraph 15) which stated “The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee’s discipline.”

4. Further, the Order included a provision (paragraph 16) requiring Respondent to "...submit to biological fluid testing"

5. In addition, the Order included a provision (paragraph 18) which required Licensee to "...execute and deliver to the Board a written medical release(s)" allowing the Board to obtain records of the Licensee's treatment for chemical dependency.

6. Respondent sent a letter, dated June 15, 2004, to the Board formally requesting that the Board's Order of August 2, 2002 be amended to eliminate the requirements of paragraphs 15, 16 and 18 as stated above.

7. During its meeting, the Board reviewed Respondent's request and agreed to approve the elimination of the requirements set out in paragraphs 15, 16 and 18 of the Board's Order.

DECISION AND DISCIPLINARY ORDER

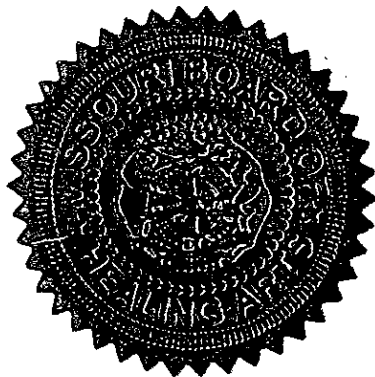
Pursuant to the request of Respondent, IT IS HEREBY ORDERED that upon the effective date of this Amended Order, the requirements as set out in paragraphs 15, 16 and 18 of the Board's Order of August 2, 2002 that Respondent be subject to biological fluid sampling, that he submit to biological fluid testing and that he provide release(s) for the Board to obtain records from Licensee's treatment for chemical dependency be terminated.

All other provisions of the Findings of Fact, Conclusions of Law and Disciplinary Order of August 2, 2002, shall remain in full force and effect.

Entered this 23 day of August, 2004.

Tina Steinman

Tina Steinman
Executive Director



State Board of Registration
for the Healing Arts

BEFORE THE
MISSOURI STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

MISSOURI STATE BOARD OF
REGISTRATION FOR THE HEALING ARTS,

Petitioner,

v.

JOSEPH S. RICHMOND, M.D.,

Respondent.

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Case No. 2001-004771

AMENDED ORDER

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Joseph S. Richmond, M.D., (Respondent) is licensed by the Board as a physician and surgeon.

3. The Order of the state Board of Registration for the Healing Arts regarding Issuance of a Probated License to Joseph S. Richmond, M.D. ("Order"), effective August 2, 2002, included a provision (paragraph 13) requiring Respondent to "follow all recommendations for treatment or aftercare made by Mississippi Recovering Physicians

Program and Missouri Physicians Health Plan and shall comply with each and every requirement to remain in the programs.

4. Further, the Order included a provision (paragraph 17) requiring Respondent to "...cause a letter of evaluation from the chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1 and October 1. The letter shall include an evaluation of the Respondent's current status in the treatment, including Licensee's compliance with all the recommendations for treatment, and the current prognosis."

5. In addition, the Order included a provision (paragraph 19) which states: "If the treatment of Licensee is successfully completed during the disciplinary period, Licensee shall cause the treating chemical dependence professional or director of the chemical dependency treatment program to submit a letter of evaluation to the Board stating that Licensee has successfully completed treatment and the arrangements for appropriate follow-up or aftercare. Licensee shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations."

6. Respondent sent a letter, dated January 8, 2004, to the Board formally requesting that the Board's Order of August 2, 2002 be amended to eliminate the requirements of paragraphs 13, 17 and 19 as stated above.

7. During its meeting, the Board reviewed Respondent's request and agreed to approve the elimination of the requirements set out in paragraphs 13, 17 and 19 of the Board's Order.


DECISION AND DISCIPLINARY ORDER

Pursuant to the request of Respondent, IT IS HEREBY ORDERED that upon the effective date of this Amended Order, the requirements as set out in paragraphs 13, 17 and 19 of the Board's Order of August 2, 2002 that Respondent participate in, and be monitored by, the Mississippi Recovering Physicians Program and Missouri Physicians Health Plan be terminated.

All other provisions of the Findings of Fact, Conclusions of Law and Disciplinary Order of August 2, 2002, shall remain in full force and effect.

Entered this 27 day of February, 2004.




Tina Steinman
Executive Director

State Board of Registration
for the Healing Arts

ORDER OF THE STATE BOARD
OF REGISTRATION FOR THE HEALING ARTS REGARDING ISSUANCE
OF A PROBATED LICENSE TO JOSEPH S. RICHMOND, M.D.

Comes now the State Board of Registration for the Healing Arts (the "Board") and hereby issues its ORDER granting a PROBATED LICENSE, license no. 36681, to Joseph S. Richmond, M.D. ("Licensee") pursuant to the provisions of §334.100.1, RSMo. As set forth in §334.100.1, RSMo, either the Board or Licensee may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Licensee. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of this Order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Rm. 604, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be considered as waived.

I.

STATEMENT OF FACTS AND BASIS FOR DECISION

1. The State Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri created and established pursuant to the provisions of § 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Pursuant to the provisions of §334.100.1, RSMo, the Board hereby issues license no. 36681 to Joseph S. Richmond, M.D. Such license is issued subject to the terms and conditions set forth herein below.

3. On or about March 9, 1993 Licensee entered a guilty plea in the State of Kansas to two counts of felony forgery.

4. On or about December 14, 1994, based upon Licensee's felony convictions the Missouri State Board of Registration for the Healing Arts revoked Licensee's medical license.

5. Licensee has a history of chemical dependency and has in the last ten years been treated for substance abuse on several occasions.

6. Licensee is currently receiving treatment for substance abuse through the Mississippi Recovering Physicians Program.

7. On May 23, 2002, Licensee passed the Federation of Medical Boards Special Purpose Examination (SPEX).

8. Licensee recently entered into a contract with the Missouri State Medical Association's Physician Health Program (MPHP).

9. Cause exists for the Board to deny Licensee's request for a physician license pursuant to the provisions of §334.100.2(1), (2) and (22), RSMo, which provide:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided

by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed.

...

(22) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

...

10. Licensee's conduct as set forth herein falls within the intendments of §334.100.2(1), (2), and (22) RSMo.

11. The Board hereby issues Licensee a **PROBATED LICENSE** in lieu of denial of Licensee's request for a license to practice as a physician in Missouri.

II.

TERMS AND CONDITIONS

12. License no. 36681 is hereby issued subject to **PROBATION** for a period of **FIVE (5) YEARS** (the "disciplinary period"). During the disciplinary period, Licensee shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all of the terms of this Order.

13. Licensee shall follow all recommendations for treatment or aftercare made by Mississippi Recovering Physicians Program and Missouri Physicians Health Plan and shall comply with each and every requirement to remain in the programs.

14. During the disciplinary period, Licensee shall abstain completely from the personal use or possession of controlled substances and dangerous drugs as defined by state and federal law or any drugs requiring a prescription unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom the Licensee has a bona fide physician/patient relationship. The Licensee shall forward to the Board written documentation of any such prescription within ten (10) days of the date of issuance of the prescription as well as a letter from the Licensee to the person licensed to prescribe the drug which notifies said person of Licensee's addiction history and Missouri licensure status as a physician and surgeon.

15. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Licensee's discipline.

16. During the disciplinary period, Licensee shall, at Licensee's cost, submit to biological fluid testing as required by the State Board of Registration for the Healing Arts. Licensee shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any drug or a prescription drug not supported by a valid prescription or by a prescription documentation of which has not been forwarded to the Board as provided in this Agreement shall constitute a violation of Licensee's discipline.

17. During the disciplinary period, Licensee shall cause a letter of evaluation from the chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1, and October 1. The letter shall include an evaluation of the Licensee's current status in the treatment, including Licensee's compliance with all the recommendations for treatment, and the current prognosis.

18. Within ten (10) days of the effective date of this Agreement, Licensee shall execute and deliver to the Board a written medical release(s) or other appropriate release(s) which shall cover the entire period of this Agreement authorizing the State

Board of Registration for the Healing Arts to obtain records of the Licensee's treatment for chemical dependency. Licensee shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

19. If the treatment of Licensee is successfully completed during the disciplinary period, Licensee shall cause the treating chemical dependency professional or director of the chemical dependency treatment program to submit a letter of evaluation to the Board stating that Licensee has successfully completed treatment and the arrangements for appropriate follow-up or aftercare. Licensee shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.

20. During the disciplinary period, Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

21. During the disciplinary period, Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) days of any change in this information.

22. During the disciplinary period, Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Licensee's license in a current and active state.

23. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

24. During the disciplinary period, Licensee shall appear in person for interviews with the Board or its designee upon request.

25. Licensee shall notify, in writing, the licensing authorities of the jurisdiction in which he is residing or practicing, by no later than ten days following the beginning of the disciplinary period, of Licensee's disciplinary status in Missouri. Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. In the event Licensee should leave Missouri to reside or practice as a physician outside the state during the disciplinary period, Licensee shall notify the Board in writing of the dates of departure and return no later than ten (10) days before Licensee's departure.

26. Licensee shall notify, within fifteen (15) days of the effective date of this Order or within fifteen (15) days of her affiliation with such organization, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Licensee practices or has privileges of Licensee's disciplinary status. Notification

shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

27. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

28. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Licensee not specifically mentioned in this document.


29. Upon the expiration of the disciplinary period, Licensee's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that Licensee has violated any term or condition of this Order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

30. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period,

the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

31. If the Board determines that Licensee has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this Order in its election of remedies concerning that violation.

SO ORDERED EFFECTIVE THIS 2 DAY OF August, 2002.


Tina Steinman, Executive Director
State Board of Registration for the Healing Arts

BEFORE THE
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS,

Petitioner,

v.

Joseph S. Richmond, M.D.

Respondent.

Case No. HA0100558

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Joseph S. Richmond, M.D., Respondent, is licensed by the Board, license number MD36681. Respondent's license is not current.

3. On March 9, 1993, Respondent entered a plea of guilty in the United States District Court, Wyandotte County of Kansas in the case styled State of Kansas vs. Joseph S. Richmond, case numbers 92-CR2299 and 92-CR2537, to two (2) counts of felony offenses of forgery in violation of K.S.A. 21-3710.

4. Respondent pled guilty to forgery, which is an offense, an essential element of which is fraud and dishonesty, and which is an offense involving moral turpitude.

5. Pursuant to § 334.103, RSMo, this Board set this matter for an Automatic Revocation hearing on Friday, October 28, 1994 and

served notice of this hearing upon Respondent in a proper and timely fashion.

6. Respondent was present for the hearing and was not represented by legal counsel. The Board was represented by Assistant Attorney General William J. Bryan.

7. All the members of this Board were present, except Robert C. Woods, D.O. and Mrs. Jean Mathews, public member, throughout the automatic revocation hearing and all members, except Robert C. Woods, D.O. and Mrs. Jean Mathews, public member, participated in the Board's deliberations, vote and order.

8. The Board finds that Respondent's guilty plea in the case styled State of Kansas vs. Joseph S. Richmond, in the United States District Court, Wyandotte County, Kansas is grounds for which revocation is authorized in Missouri pursuant to § 334.103, RSMo.

CONCLUSIONS OF LAW

1. This Board has jurisdiction over this proceeding pursuant to § 334.103, RSMo.

2. The Board concludes that Respondent pled guilty to felony offenses of forgery, an essential element of which is fraud or dishonesty, an offense involving moral turpitude.


3. The Board concludes that Respondent's guilty plea in the case styled State of Kansas vs. Joseph S. Richmond, case numbers 92-CR2299 and 92-CR2537 in the United States District Court, Wyandotte County, Kansas is grounds for which revocation is authorized in Missouri under § 334.103, RSMo.

ORDER

Pursuant to the above Findings of Fact and Conclusions of Law it is HEREBY ORDERED that the license of Respondent, Joseph S. Richmond, M.D., numbered MD36681, to practice the healing arts in the State of Missouri shall be and is hereby REVOKED. Respondent is directed to immediately return to the Board his wall hanging certificate, license and pocket card, and all other indicia of licensure.

IT IS SO ORDERED, effective December 14th, 1994.

State Board of Registration
for the Healing Arts



Alden Henrickson
Executive Director

(S E A L)